

## Message Text

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ACTION AID-31

INFO OCT-01 EA-07 ISO-00 SS-15 SP-02 A-01 CPR-01 L-03

MMO-01 INR-07 /069 W

----- 128876

P 121211Z JAN 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC PRIORITY 6891

C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 1032

E.O. 11652: GDS

TAGS: PFOR EAID TH US

SUBJECT: NEGOTIATIONS ON AID BILATERAL

REF: A) 75 STATE 265799 B) 75 BANGKOK 22496 C) 75 STATE 194638

SUMMARY: RTG ANSWER TO OUR AIDE MEMOIRE OF NOVEMBER 19, 1975, APPEARS TO PROVIDE A FORMULA FOR BREAKING THE LOG JAM REGARDING DIPLOMATIC PRIVILEGES AND IMMUNITIES. ANSWER INDICATES THAI WILLINGNESS TO GRANT PRIVILEGES AND IMMUNITIES TO DIRECT HIRE STAFF OF USOM, PROVIDED PUBLIC BILATERAL IS SILENT ON SUBJECT. SUBSIDIARY WRITTEN EXCHANGES, EMBODYING AGREEMENT THAT DIRECT-HIRE STAFF OF USOM INCLUDES ALL USG DIRECT-HIRE PERSONNEL ASSIGNED TO THAILAND IN CONNECTION WITH ECONOMIC AID PROGRAM, WOULD ACHIEVE SUBSTANTIVE USG PURPOSE. ACTION REQUESTED: WASHINGTON APPROVAL OF THE DRAFT DIPLOMATIC NOTE CONTAINED IN THIS TELEGRAM. END SUMMARY

1. ON JANUARY 8, 1976, THE RTG RESPONDED TO VHE EMBASSY'S AIDE MEMOIRE OF 19 NOVEMBER 1975 (BASED ON REF A) AS FOLLOWS:

QUOTE: IN REGARD TO THE PROPOSALS CONTAINED IN THE AMERICAN EMBASSY'S AIDE-MEMOIRE DATED NOVEMBER 19, 1975, CONCERNING THE NEW ECONOMIC AND TECHNICAL ASSISTANCE AGREEMENT WHICH IS NOW UNDER THE CONSIDERATION OF THE GOVERNMENTS OF THAILAND AND THE UNITED STATES OF AMERICA, THE MINISTRY OF FOREIGN AFFAIRS WISHES TO STATE THAT:

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(1) IN VIEW OF THE FACT THAT AGREEMENTS ON THE SAME SUBJECT

PREVIOUSLY CONCLUDED BETWEEN THAILAND AND OTHER COUNTRIES DO NOT EXTEND IMMUNITIES TO SUCH PERSONNEL AS THE TECHNICAL SUPPORTING STAFF, IT WOULD BE DESIRABLE FOR THE NEW AGREEMENT BETWEEN THAILAND AND THE UNITED STATES OF AMERICA TO BE CONSISTENT WITH THOSE OTHER AGREEMENTS;

(2) AS FOR DIRECT-HIRE STAFF OF USOM, THE MINISTRY OF FOREIGN AFFAIRS WOULD BE PREPARED TO GIVE SPECIAL CONSIDERATION TO THEM REGARDING IMMUNITIES UPON REQUEST BY THE AMERICAN EMBASSY, ON THE UNDERSTANDING THAT THE NUMBER OF SUCH DIRECT-HIRE STAFF SHALL BE AGREED UPON BY BOTH PARTIES AND THAT THE NUMBER MIGHT BE REVIEWED FROM TIME TO TIME. UNQUOTE.

2. WE PROPOSE TO REPLY WITH A FORMAL DIPLOMATIC NOTE AS FOLLOWS: QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THAILAND AND HAS THE HONOR TO REFER TO THE MINISTRY'S AIDE-MEMOIRE NO. 0502/305, DATED 5 JANUARY B.E. 2519, CONCERNING THE NEW ECONOMIC AND TECHNICAL COOPERATION AGREEMENT WHICH IS NOW UNDER CONSIDERATION BY THE GOVERNMENTS OF THE KINGDOM OF THAILAND AND THE UNITED STATES OF AMERICA.

THE EMBASSY OF THE UNITED STATES OF AMERICA IS PLEASED TO NOTE THAT THE MINISTRY OF FOREIGN AFFAIRS IS PREPARED TO GIVE SPECIAL CONSIDERATION REGARDING IMMUNITIES FOR DIRECT-HIRE AMERICAN STAFF OF USOM UPON REQUEST BY THE EMBASSY, SUBJECT TO AGREEMENT AS TO THE NUMBER OF SUCH DIRECT-HIRE STAFF AND WITH THE UNDERSTANDING THAT AGREEMENT WITH RESPECT TO THE NUMBER MIGHT BE REVIEWED FROM TIME TO TIME.

A LIST OF THE PRESENT DIRECT-HIRE STAFF OF USOM IS ATTACHED. AS INDICATED THEREON, WE WOULD PROPOSE, WITH THE AGREEMENT OF THE ROYAL THAI GOVERNMENT, THAT THE DIRECTOR AND THE DEPUTY DIRECTOR OF USOM, CONTINUE TO HAVE FULL DIPLOMATIC PRIVILEGES AND IMMUNITIES, AND THAT THE BALANCE RECEIVE PRIVILEGES AND IMMUNITIES COMPARABLE TO THOSE AFFORDED TO THE NON-DIPLOMATIC AGENT (THAT IS, ADMINISTRATIVE AND TECHNICAL) PERSONNEL OF THE EMBASSY. IT WILL BE RECOGNIZED CONFIDENTIAL

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THAT WITHIN THE CATEGORIES AND AGREED NUMBERS THERE MAY BE SHIFTS IN PERSONNEL AND CHANGES IN TITLE FROM TIME TO TIME. BY 1 OCTOBER 1976, THE BEGINNING OF THE AMERICAN FISCAL YEAR 1977, WE EXPECT THE NUMBER OF USOM DIRECT-HIRE STAFF TO BE COVERED UNDER THE NEW AGREEMENT TO BE APPROXIMATELY TWENTY.

ASSUMING THE ROYAL THAI GOVNMNT'S FAVORABLE RESPONSE TO

THE FOREGOING, THE NEW ECONOMIC AND TECHNICAL COOPERATION AGREEMENT NOW UNDER CONSIDERATION COULD BE PUT IN FINAL FORM WITHOUT SPECIFIC REFERENCE THEREIN TO THE PRIVILEGES AND IMMUNITIES OF THE USOM DIRECT-HIRE STAFF.

IN AN EFFORT TO CLARIFY THAT THERE ARE NO LINGERING MISUNDERSTANDINGS BETWEEN THE TWO GOVERNMENTS, THE EMBASSY OF THE UNITED STATES OF AMERICA WISHES TO CONVEY TO THE MINISTRY OF FOREIGN AFFAIRS THE FOLLOWING TEXT OF THE DRAFT AGREEMENT. THIS TEXT REPRESENTS THE EMBASSY'S CURRENT UNDERSTANDING OF ALL THE WORD CHANGES THAT HAVE TRANSPIRED IN THE NEGOTIATING SESSIONS TO DATE, WITH THE EXCEPTION OF ARTICLES V AND VI ON WHICH WE ARE NOW PROPOSING CHANGES THAT REFLECT THE MOST RECENT EXCHANGE OF AIDES MEMOIRES. THE MINISTRY WILL NOTE THAT, BECAUSE OF THE PROPOSED RESOLUTION OF THE MANNER IN WHICH THE PRIVILEGES AND IMMUNITIES OF THE USOM DIRECT-HIRE STAFF WILL BE ARRANGED, THE EMBASSY HAS INSERTED AS ARTICLE V A MODIFIED STATEMENT CONCERNING THE SPECIAL TECHNICAL AND ECONOMIC MISSION TO DISCHARGE THE RESPONSIBILITIES OF THE GOVERNMENT OF THE UNITED STATES UNDER THE AGREEMENT. THE TEXT OF ARTICLE VI (ARTICLE V IN THE LATEST THAI DRAFT) REMAINS UNCHANGED.

BEGIN TEXT

(TEXT AS REPORTED REF B, WITH A NEW ARTICLE V AS FOLLOWS, AND RENUMBERING ARTICLE V OF THE REF B TEXT AS ARTICLE VI.)

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ACTION AID-31

INFO OCT-01 EA-07 ISO-00 SS-15 SP-02 A-01 CPR-01 L-03

MMO-01 INR-07 /069 W

----- 128958

P 121211Z JAN 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 6892

C O N F I D E N T I A L SECTION 2 OF 2 BANGKOK 1032

ARTICLE V

THE GOVERNMENT OF THE KINGDOM OF THAILAND AGREES TO RECEIVE A SPECIAL TECHNICAL AND ECONOMIC MISSION (THE TOTAL NUMBER OF WHICH SHALL BE AGREED UPON BY THE TWO GOVERNMENTS) TO DISCHARGE THE RESPONSIBILITIES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA UNDER THIS AGREEMENT. THE GOVERNMENT OF THE KINGDOM OF THAILAND WILL GIVE FULL COOPERATION TO THE SPECIAL MISSION INCLUDING THE PROVISION OF FACILITIES NECESSARY FOR OBSERVATION AND REVIEW OF THE CARRYING OUT OF THIS AGREEMENT INCLUDING THE USE OF ASSISTANCE FURNISHED UNDER IT. END TEXT

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE MINISTRY OF FOREIGN AFFAIRS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.  
UNQUOTE

3. THE ATTACHMENT WOULD NAME THE TWENTY-EIGHT US DIRECT-HIRE PERSONNEL LISTED IN THE USOM NOV. 75 STAFFING PATTERN STILL EFFECTIVELY ON BOARD AS OF 1 FEBRUARY (EXCLUDING RED, AAG/SA, AG-B AND RCMO) PLUS ROBERT SMAIL. THIS LIST FOLLOWS BY POUCH.

4. COMMENT: THE RTG RESPONSE REFLECTS A SIGNIFICANT SOFTENING OF ITS PREVIOUS POSITION IN SUGGESTING A FORMULA FOR CONFERRING DIPLOMATIC IMMUNITIES BASED ON USG DIRECT-HIRE STATUS RATHER THAN ON FUNCTION PERFORMED.  
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THAI AGREEMENT WITH THE PROPOSALS IN THE ABOVE DIPLOMATIC NOTE, AND ITS ATTACHED LIST OF PERSONNEL, SHOULD CONSTITUTE A SUFFICIENTLY FORMAL RECORDING OF THIS MODUS VIVENDI.

5. GIVEN CONSISTENT AND ADAMANT RTG REFUSAL TO PROVIDE IN THE PUBLIC BILATERAL AGREEMENT FOR DIPLOMATIC IMMUNITIES FOR ASSISTANCE PERSONNEL, THE EMBASSY AND USOM BELIEVE THAT THE SIDE AGREEMENT THE RTG IS SUGGESTING IS THE BEST

SOLUTION ATTAINABLE. WE WOULD GAIN OUR OBJECTIVE OF SECURING EQUAL STATUS FOR ALL DIRECT-HIRE USG AMERICAN PERSONNEL. AT THE SAME TIME, WE WOULD ACCOMMODATE THE RTG DESIRE THAT, CONSISTENT WITH OTHER AID AGREEMENTS IT HAS RECENTLY ENTERED INTO, THE BILATERAL BE SILENT AS TO THE STATUS OF PERSONNEL ADMINISTERING USOM.

6. WE REQUEST EARLY AUTHORITY TO SEND THE DIPLOMATIC NOTE IN PARA TWO ABOVE, AND IF THE THAI ARE AMENABLE, PROCEED TO THE FINAL NEGOTIATION AND SIGNATURE OF THE BILATERAL.

MASTERS

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## Message Attributes

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